

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THERESA GORSKI,

Plaintiff,

v.

Case No. 06-11631

Hon. Sean F. Cox

MYRIAD GENETICS,

Defendant.

ORDER

This matter is before the Court on Defendant's Motion in limine to exclude evidence of unlawful discrimination in the pharmaceutical industry. Both parties have fully briefed the issues. For the following reasons, the Court **GRANTS** in part, and **DENIES** in part, Defendant's Motion in limine to exclude evidence of unlawful discrimination in the pharmaceutical industry.

I. BACKGROUND

This action arises from alleged employment discrimination based on Plaintiff's gender and age. The underlying facts are sufficiently set forth in the Court's Order denying Defendant's motion for summary judgment. [Doc. 39].

On June 26, 2007, Defendant filed a Motion in limine to exclude evidence of unlawful discrimination in the pharmaceutical industry in general.

II. ANALYSIS

Defendant seeks to preclude the introduction of evidence of unlawful discrimination in the pharmaceutical sales industry in general. Defendant argues the evidence would be irrelevant and hearsay.

After reviewing the parties' briefs and hearing argument, the Court finds that evidence of purported industry wide age and gender discrimination is irrelevant. What is relevant is whether *Defendant* engaged in age and/or gender discrimination when it terminated Plaintiff's employment.

However, the evidence may become relevant as rebuttal evidence to Defendant's allegation that Plaintiff failed to mitigate her damages.

IV. CONCLUSION

For the foregoing reasons, the Court **GRANTS** in part, and **DENIES** in part, Defendant's Motion in limine to exclude evidence of unlawful discrimination in the pharmaceutical industry.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: July 3, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 3, 2007, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager